HOUSE BILL No. 1257

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-23-5-13; IC 33-34-8-3; IC 33-37; IC 33-38.

Synopsis: Judges' pensions. Allows a person serving as a full-time magistrate on July 1, 2010, and requires a person who begins serving as a full-time magistrate after that date, to become a participant in the judges' 1985 benefit system (1985 system). Allows under certain conditions a judge who is a participant in the 1985 system to transfer to the 1985 system service credit earned as a full-time referee, commissioner, or magistrate after leaving a position covered by the 1985 system. Allows under certain conditions a magistrate who is a participant in the 1985 system to purchase, at full actuarial cost, service credit for service earned in the public employees' retirement fund as a full-time magistrate, referee, or commissioner. For certain participants in the 1985 system who apply for a retirement benefit after December 31, 2009, bases the computation of the annual retirement benefit on the salary being paid for the office that the participant held at the time of the participant's separation from service. (Currently the computation is based on the salary being paid to the participant at the time of the participant's separation from service.) Provides that benefit increases paid after December 31, 2009, to a participant in the 1985 system who applies for a retirement benefit before January 1, 2010, or to certain terminated vested participants, are equal to the percentage by which the salary being paid for the office that the participant held at the time of the participant's separation from service increases. Increases the court administration fee from \$3 to \$5, and directs that the additional amount be paid into the judges' retirement fund, except for the additional amount collected by the Marion County small claims courts, which must be used to fund the small claims courts' operations. (The introduced version of this bill was prepared by the pension management oversight commission.)

Effective: July 1, 2008.

Niezgodski

January 14, 2008, read first time and referred to Committee on Labor and Employment.



Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

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HOUSE BILL No. 1257

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

Be it enacted by the General Assembly of the State of Indiana:

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provided in subsection (b), a magistrate may:
FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. (a) Except as
SECTION 1. IC 33-23-5-13 IS AMENDED TO READ AS

- (1) participate in the public employees' retirement fund as provided in IC 5-10.3; or
- (2) elect to remain in the judges' retirement system under IC 33-38 if the magistrate had previously participated in the system.

(b) A person who:

- (1) is serving as a full-time magistrate on July 1, 2010, and makes an election under IC 33-38-8-10.5; or
- (2) begins serving as a full-time magistrate after July 1, 2010; shall, beginning January 1, 2011, participate in the judges' 1985 benefit system under IC 33-38-8.

SECTION 2. IC 33-34-8-3, AS AMENDED BY P.L.174-2006, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) Payment for all costs made as a result of

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1	proceedings in a small claims court shall be to the Township	
2	of Marion County Small Claims Court (with the name of the township	
3	inserted). The court shall issue a receipt for all money received on a	
4	form numbered serially in duplicate. All township docket fees and late	
5	fees received by the court shall be paid to the township trustee at the	
6	close of each month.	
7	(b) The court shall:	
8	(1) semiannually distribute to the auditor of state:	
9	(A) all automated record keeping fees (IC 33-37-5-21)	_
10	received by the court for deposit in the state user fee fund	
11	established under IC 33-37-9;	
12	(B) all public defense administration fees collected by the	
13	court under IC 33-37-5-21.2 for deposit in the state general	
14	fund;	
15	(C) sixty percent (60%) of all court administration fees	_
16	collected by the court under IC 33-37-5-27 for deposit in the	
17	state general fund;	
18	(D) all judicial insurance adjustment fees collected by the	
19	court under IC 33-37-5-25 for deposit in the judicial branch	
20	insurance adjustment account established by IC 33-38-5-8.2;	
21	and	
22	(E) seventy-five percent (75%) of all judicial salaries fees	
23	collected by the court under IC 33-37-5-26 for deposit in the	
24	state general fund; and	_
25	(2) distribute monthly to the county auditor all document storage	
26	fees received by the court.	_
27	The remaining twenty-five percent (25%) of the judicial salaries fees	
28	described in subdivision (1)(E) shall be deposited monthly in the	Y
29	township general fund of the township in which the court is located.	
30	The county auditor shall deposit fees distributed under subdivision (2)	
31	into the clerk's record perpetuation fund under IC 33-37-5-2.	
32	(c) The court shall semiannually pay to the township trustee of	
33	the township in which the court is located the remaining forty	
34	percent (40%) of the court administration fees described under	
35	subsection (b)(1)(C) to fund the operations of the small claims	
36	court in the trustee's township.	
37	SECTION 3. IC 33-37-5-27, AS AMENDED BY P.L.80-2006,	
38	SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE	
39	JULY 1, 2008]: Sec. 27. (a) This subsection does not apply to the	
40 4.1	following:	
41	(1) A criminal proceeding.	
12	(2) A proceeding to enforce a statute defining an infraction.	



1	(3) A proceeding for an ordinance violation.
2	In each action filed in a court described in IC 33-37-1-1, and in each
3	small claims action in a court described in IC 33-34, the clerk shall
4	collect a court administration fee of three five dollars (\$3). (\$5).
5	(b) In each action in which a person is:
6	(1) convicted of an offense;
7	(2) required to pay a pretrial diversion fee;
8	(3) found to have committed an infraction; or
9	(4) found to have violated an ordinance;
10	the clerk shall collect a court administration fee of three five dollars
11	(\$3). (\$5).
12	SECTION 4. IC 33-37-7-2, AS AMENDED BY P.L.174-2006,
13	SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14	JULY 1, 2008]: Sec. 2. (a) The clerk of a circuit court shall distribute
15	semiannually to the auditor of state as the state share for deposit in the
16	state general fund seventy percent (70%) of the amount of fees
17	collected under the following:
18	(1) IC 33-37-4-1(a) (criminal costs fees).
19	(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
20	(3) IC 33-37-4-3(a) (juvenile costs fees).
21	(4) IC 33-37-4-4(a) (civil costs fees).
22	(5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
23	(6) IC 33-37-4-7(a) (probate costs fees).
24	(7) IC 33-37-5-17 (deferred prosecution fees).
25	(b) The clerk of a circuit court shall distribute semiannually to the
26	auditor of state for deposit in the state user fee fund established in
27	IC 33-37-9-2 the following:
28	(1) Twenty-five percent (25%) of the drug abuse, prosecution,
29	interdiction, and correction fees collected under
30	IC 33-37-4-1(b)(5).
31	(2) Twenty-five percent (25%) of the alcohol and drug
32	countermeasures fees collected under IC 33-37-4-1(b)(6),
33	IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
34	(3) Fifty percent (50%) of the child abuse prevention fees
35	collected under IC 33-37-4-1(b)(7).
36	(4) One hundred percent (100%) of the domestic violence
37	prevention and treatment fees collected under IC 33-37-4-1(b)(8).
38	(5) One hundred percent (100%) of the highway work zone fees
39	collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
40	(6) One hundred percent (100%) of the safe schools fee collected
41	under IC 33-37-5-18.
42	(7) One hundred percent (100%) of the automated record keeping



1	fee (IC 33-37-5-21).
2	(c) The clerk of a circuit court shall distribute monthly to the county
3	auditor the following:
4	(1) Seventy-five percent (75%) of the drug abuse, prosecution,
5	interdiction, and correction fees collected under
6	IC 33-37-4-1(b)(5).
7	(2) Seventy-five percent (75%) of the alcohol and drug
8	countermeasures fees collected under IC 33-37-4-1(b)(6),
9	IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
10	The county auditor shall deposit fees distributed by a clerk under this
11	subsection into the county drug free community fund established under
12	IC 5-2-11.
13	(d) The clerk of a circuit court shall distribute monthly to the county
14	auditor fifty percent (50%) of the child abuse prevention fees collected
15	under IC 33-37-4-1(b)(7). The county auditor shall deposit fees
16	distributed by a clerk under this subsection into the county child
17	advocacy fund established under IC 12-17-17.
18	(e) The clerk of a circuit court shall distribute monthly to the county
19	auditor one hundred percent (100%) of the late payment fees collected
20	under IC 33-37-5-22. The county auditor shall deposit fees distributed
21	by a clerk under this subsection as follows:
22	(1) If directed to do so by an ordinance adopted by the county
23	fiscal body, the county auditor shall deposit forty percent (40%)
24	of the fees in the clerk's record perpetuation fund established
25	under IC 33-37-5-2 and sixty percent (60%) of the fees in the
26	county general fund.
27	(2) If the county fiscal body has not adopted an ordinance
28	described in subdivision (1), the county auditor shall deposit all
29	the fees in the county general fund.
30	(f) The clerk of the circuit court shall distribute semiannually to the
31	auditor of state for deposit in the sexual assault victims assistance
32	account established by IC 4-23-25-11(i) one hundred percent (100%)
33	of the sexual assault victims assistance fees collected under
34	IC 33-37-5-23.
35	(g) The clerk of a circuit court shall distribute monthly to the county
36	auditor the following:
37	(1) One hundred percent (100%) of the support and maintenance
38	fees for cases designated as non-Title IV-D child support cases in
39	the Indiana support enforcement tracking system (ISETS)
40	collected under IC 33-37-5-6.
41	(2) The percentage share of the support and maintenance fees for
42	cases designated as IV-D child support cases in ISETS collected



1	under IC 33-37-5-6 that is reimbursable to the county at the	
2	federal financial participation rate.	
3	The county clerk shall distribute monthly to the office of the secretary	
4	of family and social services the percentage share of the support and	
5	maintenance fees for cases designated as Title IV-D child support cases	
6	in ISETS collected under IC 33-37-5-6 that is not reimbursable to the	
7	county at the applicable federal financial participation rate.	
8	(h) The clerk of a circuit court shall distribute monthly to the county	
9	auditor the following:	
10	(1) One hundred percent (100%) of the small claims service fee	1
11	under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in	1
12	the county general fund.	
13	(2) One hundred percent (100%) of the small claims garnishee	
14	service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for	
15	deposit in the county general fund.	
16	(i) This subsection does not apply to court administration fees	- 1
17	collected in small claims actions filed in a court described in	,
18	IC 33-34. The clerk of a circuit court shall semiannually distribute to	
19	the auditor of state for deposit in the state general fund one hundred	
20	percent (100%) of the following:	
21	(1) The public defense administration fee collected under	
22	IC 33-37-5-21.2.	
23	(2) The judicial salaries fees collected under IC 33-37-5-26.	
24	(3) The DNA sample processing fees collected under	!
25	IC 33-37-5-26.2.	
26	(4) The court administration fees collected under IC 33-37-5-27.	_
27	(j) The clerk of a circuit court shall semiannually distribute to the	
28	auditor of state for deposit in the judicial branch insurance adjustment	
29	account established by IC 33-38-5-8.2 one hundred percent (100%) of	1
30	the judicial insurance adjustment fee collected under IC 33-37-5-25.	
31	(k) The proceeds of the service fee collected under	
32	IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as	
33	follows:	
34	(1) The clerk shall distribute one hundred percent (100%) of the	
35	service fees collected in a circuit, superior, county, or probate	
36	court to the county auditor for deposit in the county general fund.	
37	(2) The clerk shall distribute one hundred percent (100%) of the	
38	service fees collected in a city or town court to the city or town	
39	fiscal officer for deposit in the city or town general fund.	
40	(l) The proceeds of the garnishee service fee collected under	
41	IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as	



follows:

1	(1) The clerk shall distribute one hundred percent (100%) of the
2	garnishee service fees collected in a circuit, superior, county, or
3	probate court to the county auditor for deposit in the county
4	general fund.
5	(2) The clerk shall distribute one hundred percent (100%) of the
6	garnishee service fees collected in a city or town court to the city
7	or town fiscal officer for deposit in the city or town general fund.
8	SECTION 5. IC 33-37-7-9, AS AMENDED BY P.L.174-2006,
9	SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10	JULY 1, 2008]: Sec. 9. (a) On June 30 and on December 31 of each
11	year, the auditor of state shall transfer to the treasurer of state eight
12	nine million two hundred seventy-seven thousand twenty-three dollars
13	(\$8,277,023) (\$9,277,023) for distribution under subsection (b).
14	(b) On June 30 and on December 31 of each year, the treasurer of
15	state shall deposit into:
16	(1) the family violence and victim assistance fund established by
17	IC 12-18-5-2 an amount equal to eight and ninety-nine hundredths
18	three-hundredths percent (8.99%); (8.03%);
19	(2) the Indiana judges' retirement fund established by
20	IC 33-38-6-12 an amount equal to thirty-one thirty-eight and
21	eighteen fifty-five hundredths percent (31.18%); (38.55%);
22	(3) the law enforcement academy building fund established by
23	IC 5-2-1-13 an amount equal to two and eighty-six fifty-six
24	hundredths percent (2.86%); (2.56%);
25	(4) the law enforcement training fund established by IC 5-2-1-13
26	an amount equal to eleven ten and fifty-one twenty-seven
27	hundredths percent (11.51%); (10.27%);
28	(5) the violent crime victims compensation fund established by
29	IC 5-2-6.1-40 an amount equal to thirteen eleven and thirty-seven
30	ninety-three hundredths percent (13.37%); (11.93%);
31	(6) the motor vehicle highway account an amount equal to
32	twenty-one nineteen and eighty-four forty-nine hundredths
33	percent (21.84%); (19.49%) ;
34	(7) the fish and wildlife fund established by IC 14-22-3-2 an
35	amount equal to twenty-seven twenty-five hundredths percent
36	(.27%); (0.25%);
37	(8) the Indiana judicial center drug and alcohol programs fund
38	established by IC 12-23-14-17 for the administration,
39	certification, and support of alcohol and drug services programs
40	under IC 12-23-14 an amount equal to one and eighty-two
41	sixty-three hundredths percent (1.82%); (1.63%); and
42	(9) the DNA sample processing fund established under



1	IC 10-13-6-9.5 for the funding of the collection, shipment,
2	analysis, and preservation of DNA samples and the conduct of a
3	DNA data base program under IC 10-13-6 an amount equal to
4	eight seven and sixteen twenty-nine hundredths percent (8.16%);
5	(7.29%);
6	of the amount transferred by the auditor of state under subsection (a).
7	(c) On June 30 and on December 31 of each year, the auditor of
8	state shall transfer to the treasurer of state for deposit into the public
9	defense fund established under IC 33-40-6-1:
10	(1) after June 30, 2004, and before July 1, 2005, one million
11	seven hundred thousand dollars (\$1,700,000); and
12	(2) after June 30, 2005, two million seven hundred thousand
13	dollars (\$2,700,000).
14	SECTION 6. IC 33-38-6-9 IS AMENDED TO READ AS
15	FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. As used in this
16	chapter, "participant" means a judge who participates in the fund. After
17	December 31, 2010, "participant" means a judge or full-time
18	magistrate who participates in the fund.
19	SECTION 7. IC 33-38-6-11 IS AMENDED TO READ AS
20	FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. As used in this
21	chapter, "services" means the period beginning on the first day a person
22	first becomes a judge whether the date is before, on, or after March 11,
23	1953, or, after December 31, 2010, a judge or full-time magistrate,
24	and ending on the date under consideration and includes all intervening
25	employment as a judge or, after December 31, 2010, a judge or
26	full-time magistrate.
27	SECTION 8. IC 33-38-6-25 IS AMENDED TO READ AS
28	FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 25. (a) A judge or,
29	after December 31, 2010, a judge or full-time magistrate, is entitled
30	to a month of service credit for services performed in any fraction of a
31	calendar month. However, a judge or, after December 31, 2010, a
32	judge or full-time magistrate, is not entitled to more than one (1)
33	month of credit for services performed in a calendar month.
34	(b) Except as otherwise provided in this chapter, if a judge is elected
35	or appointed and serves one (1) or more terms or part of a term, then
36	retires from office but at a later period or periods is appointed or
37	elected and serves as judge, the judge shall pay into the fund during all
38	the periods served as judge, whether the periods are served
39	consecutively or not.
40	(c) Except as otherwise provided in this chapter, a judge is not

(1) at any time when the judge is not serving as judge; or



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required to pay into the fund:

1	(2) during any period of service as a senior judge under
2	IC 33-23-3.
3	(d) Except as otherwise provided in this chapter, after
4	December 31, 2010, a full-time magistrate:
5	(1) shall pay into the fund during all periods served as a
6 7	full-time magistrate, whether the periods are served consecutively or not; and
8	(2) is not required to pay into the fund at any time when the
9	magistrate is not serving as a full-time magistrate.
10	SECTION 9. IC 33-38-7-19 IS AMENDED TO READ AS
11	FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 19. (a) This section
12	applies only to a person who:
13	(1) is a judge participating under this chapter;
14	(2) before becoming a judge was a member of an Indiana public
15	employees' retirement fund;
16	(3) received credited service under an Indiana public employees'
17	retirement fund for the employment described in subdivision (2),
18	and the credited service is not eligible for prior service credit
19	under section 18 of this chapter;
20	(4) has not attained vested status under a public employees'
21	retirement fund for the employment described in subdivision (2);
22	and
23	(5) has at least eight (8) years of service credit in the judges'
24	retirement system.
25	(b) If a person becomes a participant in the judges' 1977 benefit
26	system under this chapter, credit for service described in subsection (a)
27	shall be granted under this chapter by the board if:
28	(1) the prior service was credited under an Indiana public
29	employees' retirement fund; and
30	(2) the judge pays in a lump sum or in a series of payments
31	determined by the board, not exceeding five (5) annual payments,
32	the amount determined by the actuary for the 1977 benefit system
33	as the total actual cost of the service.
34	(c) If the requirements of subsection (b) are not satisfied, a
35	participant is entitled to credit only for years of service after the date of
36	participation in the 1977 benefit system.
37	(d) An amortization schedule for contributions paid under this
38	section must include interest at a rate determined by the board.
39	(e) If the requirements of subsection (b) are satisfied, the
40	appropriate board shall transfer from the retirement fund described in
41	subsection (a)(2) to the judges' 1977 benefit system the amount
42	credited to the judge's annuity savings account and the present value of



1	the retirement benefit payable at sixty-five (65) years of age that is
2	attributable to the transferring participant.
3	(f) The amount a participant must contribute to the judges' 1977
4	benefit system under subsection (b) shall be reduced by the amount
5	transferred to the judges' 1977 benefit system by the appropriate board
6	under subsection (e).
7	(g) If the requirements of subsection (b) are satisfied, credit for prior
8	service in a public employees' retirement fund is waived.
9	(h) To the extent permitted by the Internal Revenue Code and the
.0	applicable regulations, the judges' 1977 benefit system may accept, on
1	behalf of a participant who is purchasing permissive service credit
.2	under subsection (b), a rollover of a distribution from any of the
.3	following:
4	(1) A qualified plan described in Section 401(a) or Section 403(a) of the Internal Revenue Code.
6	(2) An annuity contract or account described in Section 403(b) of
7	the Internal Revenue Code.
8	(3) An eligible plan that is maintained by a state, a political
9	subdivision of a state, or an agency or instrumentality of a state or
20	political subdivision of a state under Section 457(b) of the
21	Internal Revenue Code.
22	(4) An individual retirement account or annuity described in
23	Section 408(a) or Section 408(b) of the Internal Revenue Code.
24	(i) To the extent permitted by the Internal Revenue Code and the
25	applicable regulations, the judges' 1977 benefit system may accept, on
26	behalf of a participant who is purchasing permissive service credit
27	under subsection (b), a trustee to trustee transfer from any of the
28	following:
29	(1) An annuity contract or account described in Section 403(b) of
0	the Internal Revenue Code.
31	(2) An eligible deferred compensation plan under Section 457(b)
32	of the Internal Revenue Code.
33	SECTION 10. IC 33-38-8-1 IS AMENDED TO READ AS
34	FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. This chapter applies
55	only to an individual who:
66	(1) begins service as a judge after August 31, 1985;
37	(2) is serving as a full-time magistrate on July 1, 2010, and
8	makes an election under section 10.5 of this chapter; or
9	(3) begins service as a full-time magistrate after July 1, 2010.
10	SECTION 11. IC 33-38-8-7 IS AMENDED TO READ AS
1	FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. As used in this
12	chapter "participant" means a judge who participates in the fund After



1	December 31, 2010, "participant" means a judge or full-time
2	magistrate who participates in the fund.
3	SECTION 12. IC 33-38-8-9 IS AMENDED TO READ AS
4	FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. As used in this
5	chapter, "services" means the period beginning on the first day a person
6	first becomes a judge whether the date is before, on, or after March 11,
7	1953, or, after December 31, 2010, a judge or full-time magistrate,
8	and ending on the date under consideration and includes all intervening
9	employment as a judge or, after December 31, 2010, a judge or
10	full-time magistrate.
11	SECTION 13. IC 33-38-8-10 IS AMENDED TO READ AS
12	FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10. (a) A person who:
13	(1) begins service as a judge after August 31, 1985; and
14	(2) is not a participant in the fund;
15	shall become a participant in the fund.
16	(b) A person who is serving as a full-time magistrate on July 1,
17	2010, and makes an election under section 10.5 of this chapter is,
18	beginning January 1, 2011, a participant in the judges' 1985 benefit
19	system under this chapter.
20	(c) A person who begins serving as a full-time magistrate after
21	July 1, 2010, is a participant in the judges' 1985 benefit system
22	under this chapter beginning on the later of the following:
23	(1) January 1, 2011.
24	(2) The date the person begins service as a full-time
25	magistrate.
26	SECTION 14. IC 33-38-8-10.5 IS ADDED TO THE INDIANA
27	CODE AS A NEW SECTION TO READ AS FOLLOWS
28	[EFFECTIVE JULY 1, 2008]: Sec. 10.5. A person who is serving as
29	a full-time magistrate on July 1, 2010, may elect to become a
30	member of the judges' 1985 benefit system under this chapter. An
31	election under this section:
32	(1) must be made in writing;
33	(2) must be filed with the board, on a form prescribed by the
34	board, before October 1, 2010; and
35	(3) is irrevocable.
36	SECTION 15. IC 33-38-8-11 IS AMENDED TO READ AS
37	FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. (a) A participant
38	shall make contributions to this fund of six percent (6%) of each
39	payment of salary received for services as judge or, after December

31, 2010, a judge or full-time magistrate. However, the employer

may elect to pay the contribution for the participant as a pickup under

Section 414(h) of the Internal Revenue Code.



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1	(b) Participants' contributions, other than participants' contributions	
2	paid by the employer, shall be deducted from the monthly salary of	
3	each participant by the auditor of state and by the county auditor and	
4	credited to the fund as provided in IC 33-38-6-21 and IC 33-38-6-22.	
5	However, a contribution is not required:	
6	(1) because of any salary received after the participant has	
7	contributed to the fund for twenty-two (22) years; or	
8	(2) during any period that the participant is not serving as judge	
9	or, after December 31, 2010, a judge or full-time magistrate.	
10	SECTION 16. IC 33-38-8-12 IS AMENDED TO READ AS	
11	FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. (a) A participant	
12	who:	
13	(1) ceases service:	
14	(A) as a judge; or	
15	(B) after December 31, 2010, as a judge or full-time	
16	magistrate;	
17	other than by death or disability; and	,
18	(2) is not eligible for a retirement benefit under this chapter;	
19	is entitled to withdraw from the fund, beginning on the date specified	
20	by the participant in a written application. The date on which the	
21	withdrawal begins may not be before the date of final termination of	
22	employment or the date thirty (30) days before the receipt of the	
23	application by the board.	
24	(b) Upon the withdrawal, the participant is entitled to receive the	
25	total sum contributed, payable within sixty (60) days from the date of	
26	the withdrawal application or in monthly installments as the participant	
27	may elect.	1
28	SECTION 17. IC 33-38-8-13, AS AMENDED BY P.L.28-2005,	
29	SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE	
30	JULY 1, 2008]: Sec. 13. A participant whose employment as a judge	
31	or, after December 31, 2010, as a judge or full-time magistrate, is	
32	terminated is entitled to a retirement benefit computed under section	
33	14 of this chapter, beginning on the date specified by the participant in	
34	a written application, if the following conditions are met:	
35	(1) The date on which the benefit begins is not:	
36	(A) before the date of final termination of employment of the	
37	participant; or	
38	(B) the date thirty (30) days before the receipt of the	
39	application by the board.	
40	(2) The participant:	
41	(A) is at least sixty-two (62) years of age and has at least eight	
12	(8) years of service credit;	



1	(B) is at least fifty-fiv	ve (55) years of age and the participant's
2	age in years plus the	participant's years of service is at least
3	eighty-five (85); or	
4	(C) has become perm	anently disabled.
5	(3) The participant is no	ot receiving a salary from the state for
6	services currently perfor	med as:
7	(A) a judge (as define	ed in IC 33-38-6-7); or
8	(B) a magistrate unde	er IC 33-23-5.
9	SECTION 18. IC 33-38-	-8-14 IS AMENDED TO READ AS
10	FOLLOWS [EFFECTIVE J	ULY 1, 2008]: Sec. 14. (a) Benefits
11	provided under this section are	e subject to IC 33-38-6-13 and section 20
12	of this chapter.	
13	(b) A participant who:	
14	(1) applies for a retireme	ent benefit; and
15	(2) is at least:	
16	(A) sixty-five (65) ye	ars of age; or
17	(B) fifty-five (55) ye	ears of age and meets the requirements
18	under section 13(2)(H	B) of this chapter;
19	is entitled to an annual retires	nent benefit as calculated in subsection
20	(c).	
21	(c) The annual retirement	benefit for a participant who meets the
22	requirements of subsection (b) equals the product of:
23	(1) the applicable salar	y that was paid to the participant at the
24	time of separation from	service; determined under subsection
25	(e); multiplied by	
26	(2) the percentage prescr	ribed in the following table:
27	Participant's Years	Percentage
28	of Service	
29	8	24%
30	9	27%
31	10	30%
32	11	33%
33	12	50%
34	13	51%
35	14	52%
36	15	53%
37	16	54%
38	17	55%
39	18	56%
40	19	57%
41	20	58%
12	21	59%



1	22 or more 60%	
2	If a participant has a partial year of service in addition to at least eight	
3	(8) full years of service, an additional percentage shall be calculated by	
4	prorating between the applicable percentages, based on the number of	
5	months in the partial year of service.	
6	(d) Except as provided in section 13(2)(B) of this chapter and	
7	subsection (b)(2)(B), if a participant who applies for a retirement	
8	benefit has not attained sixty-five (65) years of age, the participant is	
9	entitled to receive a reduced annual retirement benefit that equals the	
10	benefit that would be payable if the participant were sixty-five (65)	4
11	years of age reduced by one-tenth percent (0.1%) for each month that	
12	the participant's age at retirement precedes the participant's sixty-fifth	
13	birthday. This reduction does not apply to:	
14	(1) participants who are separated from service because of	
15	permanent disability;	
16	(2) survivors of participants who die while in service after August	4
17	1, 1992; or	
18	(3) survivors of participants who die while not in service but	
19	while entitled to a future benefit.	
20	(e) The applicable salary is one (1) of the following:	
21	(1) The salary that was being paid to the participant at the	
22	time of the participant's separation from service for:	
23	(A) a participant who applies to receive a retirement	
24	benefit from the fund before January 1, 2010; or	
25	(B) a participant who:	
26	(i) before January 1, 2010, separates from service;	
27	(ii) is entitled to receive a retirement benefit from the	
28	fund, but does not apply before January 1, 2010, to	
29	receive a retirement benefit; and	
30	(iii) does not earn any service credit in the fund after	
31	December 31, 2009.	
32	(2) The salary being paid for the office that the participant	
33	held at the time of the participant's separation from service	
34	for a participant who:	
35	(A) applies to receive a benefit after December 31, 2009;	
36	and	
37	(B) is not a participant described in subdivision (1)(B).	
38	SECTION 19. IC 33-38-8-17, AS AMENDED BY P.L.99-2007,	
39	SECTION 199, IS AMENDED TO READ AS FOLLOWS	
40 4.1	[EFFECTIVE JULY 1, 2008]: Sec. 17. (a) Benefits provided under this	
41 42	section are subject to IC 33-38-6-13 and section 20 of this chapter.	
12	(b) The surviving spouse or child or children, as designated by the	



1	participant, of a participant who:		
2	(1) dies; and		
3	(2) on the date of death:		
4	(A) was receiving benefits under this cl	napter;	
5	(B) had completed at least eight (8) year	rs of service and was	
6	in service as a judge or, after December	· 31, 2010, a judge or	
7	full-time magistrate;		
8	(C) had a permanent disability; or		
9	(D) had completed at least eight (8) year	rs of service, was not	
10	still in service as a judge or, after De	ecember 31, 2010, a	
11	judge or full-time magistrate, and wa	is entitled to a future	
12	benefit;		
13	are entitled, regardless of the participant's	ages, to the benefit	
14	prescribed by subsection (c).		
15	(c) The surviving spouse or child or children	, as designated under	
16	subsection (b), are entitled to a benefit equal to	the greater of:	
17	(1) fifty percent (50%) of the amount of the	retirement benefit the	
18	participant was drawing at the time of de	eath, or to which the	
19	participant would have been entitled had	he participant retired	
20	and begun receiving retirement benefits on	the date of death, with	
21	reductions as necessary under section 14(d) of this chapter; or	
22	(2) the amount determined under the follow	ving table:	
23	Year	Amount	
24	July 1, 1995, to		_
25	June 30, 1996	\$10,000	
26	July 1, 1996, to		_
27	June 30, 1997	\$11,000	
28	July 1, 1997, and		Y
29	thereafter	\$12,000	
30	(d) The benefit payable to a surviving spouse	_	
31	children under subsection (c) is subject to the fo		
32	(1) A surviving spouse is entitled to receiv		
33	(2) The total monthly benefit payable to	_	
34	children is equal to the same monthly ber	nefit that was to have	
35	been payable to the surviving spouse.		
36	(3) If there is more than one (1) chil		
37	participant, then the children are entitled t	o share the benefit in	
38	equal monthly amounts.		
39	(4) A child entitled to a benefit shall rece		
40	until the child becomes eighteen (18) year		
41	entire period of the child's physical of	or mental disability,	
42	whichever period is longer.		



1	(5) Upon the cessation of benefits to one (1) designated child, if
2	there are one (1) or more other children then surviving and still
3	entitled to benefits, the remaining children shall share equally the
4	benefit. If the surviving spouse of the participant is surviving
5	upon the cessation of benefits to all designated children, the
6	surviving spouse shall then receive the benefit for the remainder
7	of the spouse's life.
8	(6) The benefit shall be payable to the participant's surviving
9	spouse if any of the following occur:
10	(A) No child or children named as a beneficiary by a
11	participant survives the participant.
12	(B) No child or children designated by the participant is or are
13	entitled to a benefit due to the age of the child or children at
14	the time of death of the participant.
15	(C) A designation is not made.
16	(7) A benefit payable to a surviving child or children may be paid
17	to a trust or a custodian account under IC 30-2-8.5, established for
18	the surviving child or children as designated by the participant.
19	SECTION 20. IC 33-38-8-21 IS AMENDED TO READ AS
20	FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 21. (a) A judge or,
21	after December 31, 2010, a judge or full-time magistrate, is entitled
22	to a month of service credit for services performed in any fraction of a
23	calendar month. However, a judge or, after December 31, 2010, a
24	judge or full-time magistrate, is not entitled to more than one (1)
25	month of credit for services performed in a calendar month.
26	(b) Except as otherwise provided in this chapter, if a judge is elected
27	or appointed and serves one (1) or more terms or part of a term then
28	retires from office but at a later period or periods is appointed or
29	elected and serves as judge, the judge shall pay into the fund during all
30	the periods served as judge, whether the periods are served
31	consecutively or not.
32	(c) Except as otherwise provided in this chapter, a judge is not
33	required to pay into the fund:
34	(1) at any time when the judge is not serving as judge; or
35	(2) during any period of service as a senior judge under
36	IC 33-23-3.
37	(d) Except as otherwise provided in this chapter, after
38	December 31, 2010, a full-time magistrate:
39	(1) shall pay into the fund during all periods served as a
40	full-time magistrate, whether the periods are served
41	consecutively or not; and
42	(2) is not required to pay into the fund at any time when the



1	magistrate is not serving as a full-time magistrate.	
2	SECTION 21. IC 33-38-8-22 IS AMENDED TO READ AS	
3	FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 22. (a) This section	
4	applies to a person who:	
5	(1) is a judge participating under this chapter;	
6	(2) before becoming a judge was appointed by a court to serve as	
7	a full-time referee, full-time commissioner, or, before January	
8	1, 2011, full-time magistrate, either:	
9	(A) before becoming a judge; or	
10	(B) after leaving an elected term on the bench;	1
11	(3) was a member of the public employees' retirement fund during	
12	the employment described in subdivision (2); and	
13	(4) received credited service under the public employees'	
14	retirement fund for the employment described in subdivision (2).	
15	(b) If a person becomes a participant as a judge in the judges' 1985	
16	benefit system under section 1 of this chapter, credit for prior service	4
17	by the judge as a full-time referee, full-time commissioner, or, before	
18	January 1, 2011, full-time magistrate shall be granted under this	
19	chapter by the board if:	
20	(1) the prior service was credited under the public employees'	
21	retirement fund;	
22	(2) the state contributes to the judges' 1985 benefit system the	
23	amount the board determines necessary to amortize the prior	
24	service liability over a period determined by the board, but not	
25	more than ten (10) years; and	
26	(3) the judge pays in a lump sum or in a series of payments	
27	determined by the board, not exceeding five (5) annual payments,	1
28	the amount the judge would have contributed if the judge had	
29	been a member of the judges' 1985 benefit system during the prior	1
30	service.	
31	(c) If the requirements of subsection (b)(2) and (b)(3) are not	
32	satisfied, a participant is entitled to credit only for years of service after	
33	the date of participation earned as a participant in the judges' 1985	
34	benefit system.	
35	(d) An amortization schedule for contributions paid under	
36	subsection (b)(2) or (b)(3) must include interest at a rate determined by	
37	the board.	
38	(e) The following provisions apply to a person described in	
39	subsection (a):	
40	(1) A minimum benefit applies to participants receiving credit in	
41	the judges' 1985 benefit system from service covered by the	
12	public employees' retirement fund. The minimum benefit is	
	I F 7	



1	payable at sixty-five (65) years of age or when the participant is	
2	at least fifty-five (55) years of age and meets the requirements	
3	under section $\frac{13(2)(b)}{13(2)(B)}$ of this chapter and equals the	
4	actuarial equivalent of the vested retirement benefit that is:	
5	(A) payable to the member at normal retirement under	
6	IC 5-10.2-4-1 as of the day before the transfer; and	
7	(B) based solely on:	
8	(i) creditable service;	
9	(ii) the average of the annual compensation; and	
10	(iii) the amount credited under IC 5-10.2 and IC 5-10.3 to	
11	the annuity savings account of the transferring member as of	
12	the day before the transfer.	
13	(2) If the requirements of subsection (b)(2) and (b)(3) are	
14	satisfied, the board shall transfer from the public employees'	
15	retirement fund to the judges' 1985 benefit system the amount	
16	credited to the annuity savings account and the present value of	
17	the retirement benefit payable at sixty-five (65) years of age or at	
18	least fifty-five (55) years of age under section 13(2)(b) 13(2)(B)	
19	of this chapter that is attributable to the transferring participant.	
20	(3) The amount the state and the participant must contribute to the	
21	judges' 1985 benefit system under subsection (b) shall be reduced	
22	by the amount transferred to the judges' 1985 benefit system by	
23	the board under subdivision (2).	
24	(4) If the requirements of subsection (b)(2) and (b)(3) are	
25	satisfied, credit for prior service in the public employees'	
26	retirement fund as a full-time referee, full-time commissioner, or,	
27	before January 1, 2011, full-time magistrate is waived. Any	
28	credit for the prior service under the judges' 1985 benefit system	
29	may be granted only under subsection (b).	
30	(f) To the extent permitted by the Internal Revenue Code and the	
31	applicable regulations, the judges' 1985 benefit system may accept, on	
32	behalf of a participant who is purchasing permissive service credit	
33	under subsection (b), a rollover of a distribution from any of the	
34	following:	
35	(1) A qualified plan described in Section 401(a) or Section 403(a)	
36	of the Internal Revenue Code.	
37	(2) An annuity contract or account described in Section 403(b) of	
38	the Internal Revenue Code.	
39	(3) An eligible plan that is maintained by a state, a political	
40	subdivision of a state, or an agency or instrumentality of a state or	
41	political subdivision of a state under Section 457(b) of the	



Internal Revenue Code.

1	(4) An individual retirement account or annuity described in	
2	Section 408(a) or Section 408(b) of the Internal Revenue Code.	
3	(g) To the extent permitted by the Internal Revenue Code and the	
4	applicable regulations, the judges' 1985 benefit system may accept, on	
5	behalf of a participant who is purchasing permissive service credit	
6	under subsection (b), a trustee to trustee transfer from any of the	
7	following:	
8	(1) An annuity contract or account described in Section 403(b) of	
9	the Internal Revenue Code.	
10	(2) An eligible deferred compensation plan under Section 457(b)	1
11	of the Internal Revenue Code.	
12	SECTION 22. IC 33-38-8-22.5 IS ADDED TO THE INDIANA	
13	CODE AS A NEW SECTION TO READ AS FOLLOWS	
14	[EFFECTIVE JULY 1, 2008]: Sec. 22.5. (a) This section applies after	
15	December 31, 2010, only to a person who:	
16	(1) is a full-time magistrate participating under this chapter;	4
17	(2) was appointed by a court to serve as:	(
18	(A) a full-time referee or full-time commissioner; or	
19	(B) before January 1, 2011, a full-time magistrate;	
20	(3) was a member of the public employees' retirement fund	
21	during the employment described in subdivision (2); and	
22	(4) received credited service under the public employees'	
23	retirement fund for the employment described in subdivision	
24	(2).	
25	(b) If a person becomes a participant as a full-time magistrate	
26	in the judges' 1985 benefit system under section 1 of this chapter,	
27	credit for service by the magistrate as a full-time referee, full-time	1
28	commissioner, or, before January 1, 2011, full-time magistrate	
29	shall be granted under this chapter by the board if:	1
30	(1) the service was credited under the public employees'	
31	retirement fund; and	
32	(2) the magistrate pays in a lump sum or in a series of	
33	payments determined by the board, not exceeding five (5)	
34	annual payments, the amount determined by the actuary for	
35	the judges' 1985 benefit system as the total cost of the service.	
36	(c) If the requirements of subsection (b) are not satisfied, a	
37	participant is entitled to credit only for years of service earned as	
38	a participant in the judges' 1985 benefit system.	
39	(d) An amortization schedule for contributions paid under this	
40	section must include interest at a rate determined by the board.	
41	(e) The following provisions apply to a person described in	
12	subsection (a):	



1	(1) A minimum benefit applies to participants receiving credit	
2	in the judges' 1985 benefit system from service covered by the	
3	public employees' retirement fund. The minimum benefit is	
4	payable at sixty-five (65) years of age or when the participant	
5	is at least fifty-five (55) years of age and meets the	
6	requirements under section 13(2)(B) of this chapter and	
7	equals the actuarial equivalent of the vested retirement	
8	benefit that is:	
9	(A) payable to the member at normal retirement under	
0	IC 5-10.2-4-1 as of the day before the transfer; and	
1	(B) based solely on:	
2	(i) creditable service;	
.3	(ii) the average of the annual compensation; and	
4	(iii) the amount credited under IC 5-10.2 and IC 5-10.3	
.5	to the annuity savings account of the transferring	
6	member as of the day before the transfer.	
7	(2) If the requirements of subsection (b) are satisfied, the	
8	board shall transfer from the public employees' retirement	
9	fund to the judges' 1985 benefit system the amount credited	
20	to the annuity savings account and the present value of the	
21	retirement benefit payable at sixty-five (65) years of age or at	
22	least fifty-five (55) years of age under section 13(2)(B) of this	
23	chapter that is attributable to the transferring participant.	
24	(3) The amount the participant must contribute to the judges'	
2.5	1985 benefit system under subsection (b) shall be reduced by	
26	the amount transferred to the judges' 1985 benefit system by	
27	the board under subdivision (2).	
28	(4) If the requirements of subsection (b) are satisfied, credit	V
29	for service in the public employees' retirement fund as a	
0	full-time referee, full-time commissioner, or before July 1,	
31	2010, full-time magistrate is waived. Any credit for the service	
32	under the judges' 1985 benefit system may be granted only	
3	under subsection (b).	
4	(f) To the extent permitted by the Internal Revenue Code and	
55	the applicable regulations, the judges' 1985 benefit system may	
66	accept, on behalf of a participant who is purchasing permissive	
57	service credit under subsection (b), a rollover of a distribution	
8	from any of the following:	
19	(1) A qualified plan described in Section 401(a) or Section	
10	403(a) of the Internal Revenue Code.	
1	(2) An annuity contract or account described in Section 403(b)	
-2	of the Internal Revenue Code.	



1	(3) An eligible plan that is maintained by a state, a political
2	subdivision of a state, or an agency or instrumentality of a
3	state or political subdivision of a state under Section 457(b) of
4	the Internal Revenue Code.
5	(4) An individual retirement account or annuity described in
6	Section 408(a) or Section 408(b) of the Internal Revenue
7	Code.
8	(g) To the extent permitted by the Internal Revenue Code and
9	the applicable regulations, the judges' 1985 benefit system may
.0	accept, on behalf of a participant who is purchasing permissive
.1	service credit under subsection (b), a trustee to trustee transfer
.2	from any of the following:
. 3	(1) An annuity contract or account described in Section 403(b)
4	of the Internal Revenue Code.
.5	(2) An eligible deferred compensation plan under Section
.6	457(b) of the Internal Revenue Code.
.7	SECTION 23. IC 33-38-8-23 IS AMENDED TO READ AS
.8	FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 23. (a) This section
9	applies only to a person who:
20	(1) is:
21	(A) a judge; or
22	(B) after December 31, 2010, a judge or full-time
23	magistrate;
24	participating under this chapter;
25	(2) before becoming:
26	(A) a judge; or
27	(B) after December 31, 2010, a judge or full-time
28	magistrate;
29 20	was a member of a public employees' retirement fund;
50 51	(3) received credited service under a public employees' retirement fund for the employment described in subdivision (2), and the
52	credited service is not eligible for prior service credit under
	section 22 or 22.5 of this chapter;
3	
54 55	(4) has not attained vested status under a public employees' retirement fund for the employment described in subdivision (2);
66	and
57	(5) has at least eight (8) years of service credit in the judges'
88	
	retirement system. (b) If a person becomes a participant in the judges! 1985 benefit
19 10	(b) If a person becomes a participant in the judges' 1985 benefit system under this chapter, credit for service described in subsection (a)
⊦0 ⊦1	shall be granted under this chapter by the board if:
12	(1) the prior service was credited under a public employees'
· <u>/</u>	(1) the prior service was creatized under a public employees



1	retirement fund; and	
2	(2) the judge or full-time magistrate pays in a lump sum or in a	
3	series of payments determined by the board, not exceeding five	
4	(5) annual payments, the amount determined by the actuary for	
5	the judges' 1985 benefit system as the total cost of the service.	
6	(c) If the requirements of subsection (b) are not satisfied, a	
7	participant is entitled to credit only for years of service after the date of	
8	participation in the judges' 1985 benefit system.	
9	(d) An amortization schedule for contributions paid under this	
10	section must include interest at a rate determined by the board.	
11	(e) If the requirements of subsection (b) are satisfied, the	
12	appropriate board shall transfer from the retirement fund described in	
13	subsection (a)(2) to the judges' 1985 benefit system the amount	
14	credited to the judge's or full-time magistrate's annuity savings	
15	account and the present value of the retirement benefit payable at	
16	sixty-five (65) years of age that is attributable to the transferring	
17	participant.	
18	(f) The amount a participant must contribute to the judges' 1985	
19	benefit system under subsection (b) shall be reduced by the amount	
20	transferred to the judges' 1985 benefit system by the appropriate board	
21	under subsection (e).	
22	(g) If the requirements of subsection (b) are satisfied, credit for prior	
23	service in a public employees' retirement fund is waived.	
24	(h) To the extent permitted by the Internal Revenue Code and the	
25	applicable regulations, the judges' 1985 benefit system may accept, on	
26	behalf of a participant who is purchasing permissive service credit	
27	under subsection (b), a rollover of a distribution from any of the	
28	following:	
29	(1) A qualified plan described in Section 401(a) or Section 403(a)	
30	of the Internal Revenue Code.	
31	(2) An annuity contract or account described in Section 403(b) of	
32	the Internal Revenue Code.	
33	(3) An eligible plan that is maintained by a state, a political	
34	subdivision of a state, or an agency or instrumentality of a state or	
35	political subdivision of a state under Section 457(b) of the	
36	Internal Revenue Code.	
37	(4) An individual retirement account or annuity described in	
38	Section 408(a) or Section 408(b) of the Internal Revenue Code.	
39	(i) To the extent permitted by the Internal Revenue Code and the	
40	applicable regulations, the judges' 1985 benefit system may accept, on	
41	behalf of a participant who is purchasing permissive service credit	

under subsection (b), a trustee to trustee transfer from any of the



1	following:	
2	(1) An annuity contract or account described in Section 403(b) of	
3	the Internal Revenue Code.	
4	(2) An eligible deferred compensation plan under Section 457(b)	
5	of the Internal Revenue Code.	
6	SECTION 24. IC 33-38-8-25 IS ADDED TO THE INDIANA	
7	CODE AS A NEW SECTION TO READ AS FOLLOWS	
8	[EFFECTIVE JULY 1, 2008]: Sec. 25. (a) This section applies:	
9	(1) only to a participant:	_
10	(A) who applies to receive a retirement benefit from the	
11	fund before January 1, 2010; or	
12	(B) who:	
13	(i) before January 1, 2010, separates from service;	
14	(ii) is entitled to receive a retirement benefit from the	
15	fund, but does not apply before January 1, 2010, to	
16	receive a retirement benefit; and	
17	(iii) does not earn any service credit in the fund after	
18	December 31, 2009; and	
19	(2) only in state fiscal years beginning after June 30, 2010.	
20	(b) If a salary increase is provided in a particular state fiscal	
21	year under IC 33-38-5-8.1, the monthly benefit payable under this	
22	chapter to a participant described in subsection (a) shall be	
23	increased by the same percentage by which salaries are increased	
24	under IC 33-38-5-8.1(b) in that state fiscal year. The percentage	_
25	increase shall be applied to the monthly benefit (including any	
26	previous increases to the monthly benefit received under this	
27	section or under any other provision) received by the participant	
28	as of June 30 of the immediately preceding state fiscal year. The	
29	percentage increase to the monthly benefit takes effect at the same	
30	time that the salary increase under IC 33-38-5-8.1 takes effect.	
31	(c) This subsection applies only if:	
32	(1) a salary increase is not provided in a particular state fiscal	
33	year under IC 33-38-5-8.1; and	
34	(2) the salary of a judge is increased under IC 33-38-5-6,	
35	IC 33-38-5-8, or any other provision enacted by the general	
36	assembly in the state fiscal year.	
37	The monthly benefit payable under this chapter to a participant	
38	described in subsection (a) shall be increased by the same	
39	percentage by which the salary being paid for the office that the	
40	participant held at the time of the participant's separation from	
41	service is increased under IC 33-38-5-6, IC 33-38-5-8, or any other	
12	provision enacted by the general assembly. The percentage	



increase shall be applied to the monthly benefit (including any
previous increases to the monthly benefit received under this
section or under any other provision) received by the participan
as of June 30 of the immediately preceding state fiscal year. The
percentage increase to the monthly benefit takes effect at the same
time that the salary increase under IC 33-38-5-6, IC 33-38-5-8, or
any other provision enacted by the general assembly takes effect
(d) An increase navable under this section may not include any

(d) An increase payable under this section may not include any amount based on the percentage by which any salary provided by a county or counties under IC 36-2-5-14 or IC 36-3-6-3(c) is increased.

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